

fully appertain to the location, construction, maintenance and management of said branch railroad as if the said "The Delaware Railroad Company" were a corporation, created under the law of the State of Maryland specially for these purposes.

Sec. 2. *And be it further enacted*, That whenever in locating and building said branch of the Delaware Railroad, it shall be necessary for the Delaware Railroad Company, its engineers, contractors or employees, to enter upon and occupy any lands in the State of Maryland, or to take earth or other material for said railroad therefrom, and the owner or owners of said lands shall refuse to permit such entry and occupation, and the parties cannot agree upon the compensation to be made for any injury or supposed injury that may be done to said lands by such entry and occupation, then the Commissioners hereinafter named, on being notified by the said Company, shall go upon said lands and assess the damages of such owner or owners, on oath or affirmation, fairly and impartially, taking into consideration all the benefits to be derived from or in consequence of the building of said branch railroad to said owner or owners, and said Commissioners shall certify their award to both parties; whereupon the said Company on paying the damages so assessed, shall become entitled to have, use and enjoy the said lands with the improvements thereon, for the purposes by it required forever. And in case any owner or owners of lands necessary for the purpose of said Company shall be a minor or non-resident, or for any other case incapable of receiving, or unwilling or neglecting to receive said damages, or to call on said Company for the same, the said Company may deposit the amount of damages awarded to the credit of such owner or owners in such bank in the county of Kent or in the city of Baltimore as the Commissioners in making their award shall designate, and after so depositing in bank subject to his, her or their order the amount awarded as damages to any owner or owners of land, the said Company shall be entitled to have, use and enjoy such land with its improvements in same manner as if such damages had been paid to the owner or owners as hereinbefore provided; the following named persons shall be five (5) Commissioners for

May condemn

Minor or non-resident.